

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF MARCH 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Douglas W. Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS SESSION

Jim Fraser addressed the Board in opposition to the proposed Tom's Creek Sewer Project. Mr. Fraser urged the Board to honor the Montgomery County Planning Commission's recommendation that the proposed Tom's Creek Sewer is not in accord with the County's Comprehensive Plan by rejecting the proposal to construct the sewer on County land. If ad hoc changes to the plan are made to accommodate decisions that are discouraged by the comprehensive plan, then the County will end up with a less effective, less efficient, and less attractive County. In order for the Comprehensive Plan to do its job in protecting the character of the County, then the plan must be difficult to change, and change should occur only after

a public hearing allowing citizens to comment on the proposed changes. Mr. Fraser urged the Board to reject the proposed sewer.

Andrew Schenker addressed the Board about concerns with the proposed Tom's Creek Sewer. Mr. Schenker questioned the experts on their decisions and plans for a new sewer system and if they could handle mother nature. Past projects such as the Smart Road is a fine example of what experts did not know. During construction they found unstable earth and had to change the route of the road. He expressed concerns with massive erosion and asked if it was wise to construct a sewer line through a stream.

David Scheim spoke in opposition of the Tom's Creek Sewer System. Mr. Scheim pointed out that the Planning Commission found the proposed Tom's Creek Sewer not in accord with the County's Comprehensive Plan. If the Board supports this proposal then he believes the Comprehensive Plan will be in shambles. Mr. Scheim questioned the Town of Blacksburg's statement about having no intentions of annexation. In a 1998 application to the Virginia Revolving Loan Fund, the Town of Blacksburg made its plans to annex part of the County clear, "Future annexation potential is restricted until sanitary sewer is provided to the Tom's Creek Basing.....(this sewer) may also be extended to serve an additional 6,500 residents outside the town's corporate limits in Montgomery County." Mr. Scheim believes this statement, along with the Town's decision to increase the availability fees with an additional 75% surcharge to county residents and developers, will virtually assure annexation of areas in the County. Mr. Scheim believes the project cost estimate at \$11.5 million is not accurate while \$16 million is a more accurate number. Also, the Town stated in their presentation to the Board that the project has been approved by the Department of Environmental Quality (DEQ). In fact, the DEQ has requested a complete re-submission of the engineering proposal. He urged the Board to wait for DEQ's determination before considering a decision to overrule the Planning Commissions' findings.

Jennifer Grover expressed concerns with the environmental impact of the proposed Tom's Creek Sewer. Ms. Grover urged the Board to uphold the Montgomery County Planning Commission's recommendation that the proposed sewer is not in accord with the comprehensive plan. She pointed out sections of the comprehensive plan that conflict with the proposed sewer. The comprehensive plan states that prevention of pollution of clean air and water; provide public water and sewer cost effectively; erosion and sediment control; and identify environmental sensitivity. Ms Grover believes the proposed sewer will cause pollution and is not cost effective, where there are other alternative methods that are less costly. Also, the disturbance of land may cause erosion. The Town of Blacksburg has not provided any funding for the restoration to the land that will be impacted by the construction of the sewer. Ms. Grover urged the Board to reject the proposed Tom's Creek Sewer.

Joesph V. Gorman, Jr. addressed the Board in support of the proposed Tom's Creek Sewer System.

Mr. Gorman stated the proposed sewer is in accordance with the County's present comprehensive plan and the future Comprehensive plan. It also is in accord with the Town of Blacksburg's Comprehensive Plan. Mr. Gorman noted that the County's Agriculture & Forestal District Advisory Committee found the proposed sewer would have no adverse effect on the AFD land. He believes the construction of this sewer system is necessary for growth and will reduce pollution.

K.K. Getty addressed the Board in opposition to the proposed Tom's Creek Sewer. Ms. Getty believes the proposed sewer line is not in accord with the County's comprehensive plan and urged the Board to uphold the Planning Commission's recommendation.

Mayor Roger Hedgepeth addressed the Board about the proposed Tom's Creek Sewer. Mayor Hedgepeth stated the Town of Blacksburg is proposing to construct a central sewer system. In his opinion, the Town of Blacksburg has managed appropriate growth since 1970 and the Town is not in any environmental ruin. He believes the proposed sewer line is in accord with the County's comprehensive plan and is in line with rural expansion, which will allow for future growth. All proper license and permits have been approved and obtained. The Town is asking the County's permission to construct the sewer line on County property. If the request is denied, the Town would have to use the second alternative plan and construct the entire sewer line within the town limits.

Mark Stegeman, Professor of Economics at Virginia Tech, addressed the Board on the estimated cost of the proposed Tom's Creek Sewer. Dr. Stegeman explained he has reviewed the estimated costs for the proposed sewer and is alarmed at the large amount of funding that will be required to construct the sewer. There are other methods available that are more cost effective and will save the taxpayers million of dollars. He expressed concern with cost per household and that there is no mandatory hookup for existing customers along the proposed line, which will make it more costly to others who wish to connect to the new sewer line.

Lucy Goldberg addressed the Board in opposition to the proposed Tom's Creek Sewer. Ms. Goldberg believes the proposed sewer is not in accord with the County's comprehensive plan. At the February 23, 2004 Board of Supervisors meeting, several Board members raised concerns with the blasting and possible damage to wells. She believes the Town has not identified all wells and springs along the proposed route and will not be held responsible for any damage caused by the construction to any of the wetlands and wells. She also expressed concern that the actual cost may be underestimated.

Charles Houska addressed the Board in opposition to the proposed Tom's Creek Sewer System. Mr. Housak wanted the Board to be aware of the following: if a town, with a simple majority vote, is willing to scrap its Comprehensive Plan and its Charter for an unpopular sewer project, what is the value of any agreement with the County?

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated March 8, 2004 were approved with corrections to the February 9, 2004 minutes.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

Mary W. Biggs

James D. Politis

NAY

None

APPROVAL OF MINUTES DATED JANUARY 29, 2004 AND FEBRUARY 9, 2004

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the minutes dated January 29, 2004 and February 9, 2004 was approved with corrections to the minutes dated February 9, 2004.

Supervisor Biggs noted under her report on February 9, 2004 she did not attend the education rally at the State Capitol that was held February 9, 2004. She reported she was only circulating a petition on education funding to be forwarded to Governor Warner.

SHERIFF - APPROPRIATION

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

March 8, 2004

Page 4 of 22

321 Sheriff - Grants \$35,675

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	State Grants	\$34,417
419117	Dare Program	\$ 350
424401	Project Life Saver Contributions	<u>\$ 908</u>
	Total	\$35,675

Said resolution appropriates funds received as Project Life Saver Contributions, a DMV grant, the V-STOP grant and DARE Contributions.

Montgomery Regional Economic Development Commission Amendment to By-Laws

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors adopted a resolution on December 15, 2003 eliminating term limits for members serving on the Montgomery Regional Economic Development Commission; and

WHEREAS, The Montgomery Regional Economic Development Commission wishes to amend their by-laws to reflect the Board's actions; and

WHEREAS, The directors of the Montgomery Regional Economic Development Commission have performed due diligence required by the by-laws of the organization for amendment to the by-laws; and

WHEREAS, The proposed amendments to the by-laws of the Montgomery Regional Economic Development Commission have been approved by the members of the Commission.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the by-laws of the Montgomery Regional Economic Development Commission are hereby amended as follows:

Section 3. Board of Directors

(2) Term of Appointment

The term of appointment to the Board of Directors shall be for a period of three years. Terms of office shall be established and maintained on a staggered rotation. The appointing agency shall fill vacancies for any unexpired terms of office. ~~Directors may not serve more than two (2) consecutive three-year terms. After a one (1) year absence from the Commission, directors may be reappointed for a three-year term.~~ Each director shall, before entering upon his or her duties, be furnished with a copy of the purpose and objectives of the Commission, a copy of the current Commission budget, and a copy of the duties of the Executive Director for the Commission.

American Electrical Power - Amendment to Agreement for the Purchase of Electricity

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Amendment to the Agreement for the Purchase of Electricity from Appalachian Power Company d/b/a American Electric Power, extending the current utility rates for the County's purchase of electricity to June 30, 2007.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby authorizes James D. Politis, Chairman, to execute the said Amendment on behalf of the Board of Supervisors.

APPOINTMENTS

Montgomery Regional Economic Development Commission

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby **reappoints Archie Phlegar** to the Montgomery Regional Economic Development Commission as a non-elected representative of the Town of Blacksburg effective March 9, 2004 and expiring March 8, 2007.

Local Workforce Investment Board

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia recommends that **John T. Overton** be reappointed to the Local Workforce Investment Board as business representative for Montgomery County effective April 1, 2004 and expiring March 31, 2007.

Resolution of Support - “Take Back the Night” Rally at Virginia Tech

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The first “*Take Back the Night*” event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later the first U.S. “*Take Back the Night*” march was held in San Francisco with over 5,000 women from 30 states participating; and

WHEREAS, Since that time, marches have been held in many cities throughout the United States, Canada, Latin America, India and Europe; and

WHEREAS, In Virginia “*Take Back the Night*” marches have been held in Richmond and Charlottesville, and at Radford University, Hollins College, Roanoke College, and Virginia Tech where marchers have called attention to violence against women -- the sexual harassment, misogyny, rapes, and murders; and

WHEREAS, The fifteenth annual “*Take Back the Night*” Rally and March will be held on Thursday, March 25, 2004, beginning at 7:00 p.m. on the Drillfield in front of Burruss Hall at Virginia Tech and participants will march through campus and downtown Blacksburg, to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia supports the fifteenth annual “*Take Back the Night*” event which is part of *Women’s Month 2004*.

OLD BUSINESS

Rezoning Request - Timothy W. and Lucy M. Clark

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

ORDINANCE 2004 -04
An Ordinance Amending the Zoning Classification
of 0.464 acres of a 1.98 acre tract
in the Shawsville Magisterial District
identified as Tax Parcel # 47-A-69
from Industrial (M-1) to General Business (G-B)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.464 acres of a 1.98 acre tract of land is hereby amended and rezoned from the zoning classification of Industrial (M-1) to General Business (G-B).

This action was commenced upon the application of Timothy W. and Lucy M. Clark.

The property is located at 10446 Roanoke Road in the Shawsville Magisterial District and is identified as Tax Parcel No. 47-A-69 (Acct ID #011264). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Douglas W. Marrs	
Mary W. Biggs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

Special Use Permit Request - Timothy W. & Lucy M. Clark

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Timothy W. and Lucy M. Clark request for a Special Use Permit on 0.464 acres of a 1.98 acre tract of land in General Business (G-B) at 10446 Roanoke Road (Tax Parcel No. 47-A-69) to allow motor fuel sales is hereby approved subject to the following conditions:

1. Canopy lighting shall be recessed to prevent glare onto adjoining properties and roadways.
2. A detailed site plan showing parking, landscaping, lighting, etc. shall be provided in compliance with Section 10-52 of the zoning ordinance prior to opening the business.
3. Fuel storage shall comply will all applicable local, state and federal laws.
4. All entrance improvements required by VDOT shall be completed prior to the opening of business.

The property is located at 10446 Roanoke Road and is identified as Tax Parcel No. 47-A-69 (Acct. ID #011264) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Douglas W. Marrs	
Mary W. Biggs	
John A. Muffo	
Annette S. Perkins	
Gary C. Creed	
James D. Politis	

Rezoning Request - Lawrence W. and Gail A. Langley (Agent: Gay and Keesee, Inc.)

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

ORDINANCE 2004 -05
An Ordinance Amending the Zoning Classification of
0.5 acres of a 1.501 acre tract in the
Mount Tabor Magisterial District

**identified as Tax Parcel # 67-2-2
From Residential (R-2) to General Business (G-B)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 0.5 acres of a 1.501 acre tract of land is hereby amended and rezoned from the zoning classification of Residential (R-2) to General Business (G-B).

This action was commenced upon the application of Lawrence W. and Gail A. Langley.

The property is located at 240 Jennelle Road in the Mount Tabor Magisterial District and is identified as Tax Parcel No. 67-2-2 (Acct ID #029060). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
Annette S. Perkins	
Steve L. Spradlin	
Gary D. Creed	
Douglas W. Marrs	
James D. Politis	

Special Use Permit Request Lawrence W. and Gail A. Langley

On a motion by Mary W. Biggs, seconded by Douglas W. Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Lawrence W. and Gail A. Langley request for a Special Use Permit on a 1.501 acre tract of land in General Business (G-B) at 240 Jennelle Road (Tax Parcel No. 67-2-2) to allow a business with a floor area greater than 3,000 square feet is hereby approved subject to the following conditions:

1. Structure shall not exceed 6,500 square feet.
2. Expansion of existing business shall be in substantial conformance with plan entitled "Proposed Conditions" prepared by Gay & Keesee, Inc. (Job No. 1339.0) dated January 5, 2004.
3. A detailed site plan shall be approved by zoning administrator prior to issuance of building permit for expansion.

The property is located at 240 Jennelle Road and is identified as Tax Parcel No. 67-2-2 (Acct. ID # 029060) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Annette S. Perkins

Steve L. Spradlin

Gary D. Creed

Mary W. Biggs

Douglas W. Marrs

James D. Politis

Ordinance Authorizing Montgomery County, Virginia to Obtain National Criminal History Record Searches

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

2004-06

**An Ordinance Authorizing the County of Montgomery, Virginia
to Obtain National Criminal History Record Searches
Through the Central Criminal Record Exchange,
a Division Within the Department of State Police
for Applicants Who Are Offered or Accept
Employment Positions with the County of Montgomery, Virginia**

March 8, 2004

Page 11 of 22

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, pursuant to Section 15.2-1505.1 of the Code of Virginia, 1950, as amended, and in accordance with Section 19.2-389 of the Code of Virginia, 1950, as amended, that the Board of Supervisors hereby adopts the following requirements for applicants who are offered or accept employment positions with the County of Montgomery, Virginia:

1. An applicant, employee or volunteer seeking to engage employment with the County of Montgomery, Virginia, shall submit certain personal descriptive information and two sets of his or her fingerprints taken by the Montgomery County Sheriff's Office to the Montgomery County Human Resources Director, along with the appropriate fees.
2. Upon receipt of the requested personal descriptive information, fingerprints and the appropriate fees, the Montgomery County Human Resources Director shall transmit the personal descriptive information along with both sets of fingerprints and fees, unless other billing arrangements have been made, to the Central Criminal Record Exchange, a division within the Department of State Police. The Central Criminal Record Exchange will compare the subject's fingerprints against its criminal file and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Central Criminal Records Exchange, which will disseminate the state and national results to the Montgomery County Human Resources Director.
3. The Montgomery County Human Resources Director shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to the appropriate parties within the County Government. In rendering a fitness determination, the Montgomery County Human Resources Director shall decide whether the record subject has been convicted of or is under pending indictment for (a) a crime which bears upon his or her ability or fitness to serve in that capacity; or (b) any felony or a misdemeanor which involved force or threat of force, controlled substances or was a sex-related offense. In determining whether a criminal conviction directly relates to a position, the County Human Resources Director shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the

person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

4. If an applicant is denied employment because of the information appearing in his or her criminal history record, the Montgomery County Department of Human Resources shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. A record subject may request and receive a copy of his or her criminal history record information from the Montgomery County Human Resources Department. Should the record subject seek to amend or correct his or her record, he or she must contact the Central Criminal Records Exchange for a Virginia State record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this 8TH day of March, 2004.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Gary D. Creed	
Mary W. Biggs	
Douglas W. Marrs	
John A. Muffo	
James D. Politis	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Douglas W. Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

Tom's Creek Sewer Project - Town of Blacksburg

The vote on the foregoing motion was as follows:

AYE

Douglas W. Marrs
Steve L. Spradlin
Gary D. Creed
Mary W. Biggs
John A. Muffo
Annette S. Perkins
James D. Politis

NAY

None

Supervisor Poilits explained that the Board of Supervisors function regarding the proposed Tom's Creek Sewer System is to consider how it will effect the County's Comprehensive Plan. This project is very controversial but the design and type of sewer is the decision of the Town of Blacksburg. The Board will need to deliberate as to whether the proposed sewer project is in accord or not in accord with the Comprehensive Plan and if the proposed sewer can be constructed through areas of the County.

Supervisor Annette Perkins requested the Planning Director to clarify the County's Comprehensive Plan.

The Planning Director showed a land use map in the current comprehensive plan pertaining to the County. He outlined the area in the current comprehensive plan that is designed for growth and that will need infrastructure, such as water and sewer. He also showed a 2025 comprehensive plan map, which is included in the revised comprehensive plan. In the future revised comprehensive plan, the Planning Commission have developed "Villages" in areas of the County where they believe growth will occur. For example, the Villiage of Riner, Village of Prices Fork, and the Village of Elliston. These Village areas will be where the County would like to incur growth and avoid sprawls through-out the County. In these areas infrastructure will need to take place to handle growth. The Planning Director explained that in the "Village of Prices Fork" area the County will need to provide water and sewer , by connecting to the Town of Blacksburg sewer system, or constructing and financing their own sewer line. The proposed Tom's Creek Sewer System is to be constructed at the base near Price's Fork and would handle additional services required by the County.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Gary D. Creed	
Mary W. Biggs	
John A. Muffo	
Annette S. Perkins	
Douglas W. Marrs	
James D. Politis	

COUNTY ATTORNEY'S REPORT

Coggins Test The County Attorney reported that a citizen is requesting the Board's support in appealing the Department of Agriculture's decision to eliminate the exemption for stock yards that allows them to perform a coggins test on horses after they are delivered to the stock yard. The elimination of this exemption will require owners of the horses to perform coggins test on any horse prior to bringing it to the stock yard for sale. Owners of show horses are opposed to this exemption and believe all horses should be tested prior to sale at stock yards. The County Attorney stated he spoke with a representative from the Department of Agriculture about the coggins test and was told the reason the exemption was lifted was due to lack of manpower. He stated it is the Board's decision as to whether or not they support this issue. The County Attorney was asked to draft a resolution for the Board's consideration at its March 22, 2004 meeting.

Additional Notice Requirements for Tabled Land Use Items The County Attorney suggested the Board consider adding a provision to the Montgomery County Zoning Ordinance that would require additional notification be sent to adjoining landowners if a zoning or special use permit request is deferred for more than 90 days. This would assure proper notification is sent to adjoining landowners about the status of the request. This issue was brought about due to a zoning request being tabled for three to four months to allow the applicant proper time to conform to the code. This matter will be listed on the Board's March 22, 2004 agenda.

COUNTY ADMINISTRATOR'S REPORT

School Board - Sale of Bethel Elementary School The County Administrator reported the School Board adopted a resolution at their March 2, 2004 meeting, turning over the Bethel Elementary School to the Industrial Development Authority for the sole purpose of selling the school. Updates will be forwarded to the Board on the progress of the sale.

Meadowbrook Public Branch Library The County Administrator met with the Library representative concerning the Community Development Block Grant for the Library. The Planning Department is reviewing and preparing all documents necessary to apply for CDBG funding. A resolution will be forthcoming to the Board to authorize the submission of a grant application. The Library expressed concerns with funding and asked support from the Board if a CDBG grant is not secured. A meeting with the Architect to discuss renovations was also held. It is estimated that only 8,300 square feet will be renovated at a cost of up to \$1.6 million, with an opening date of 2005. Supervisor Creed pointed out the Library had estimated an opening dated of June 2004. He asked that staff investigate the discrepancy in the dates.

Joint Meeting with School Board The County Administrator reported that the Superintendent of Schools provided two dates that the School Board can meet with the Board of Supervisors, March 15, 2004 or April 15, 2004. After a brief discussion it was concluded that a joint meeting with the School Board be scheduled for Thursday, April 15, 2004. The County Administrator was instructed to contact the School Superintendent to schedule the meeting.

FY 2004-2005 Budget The County Administrator reported the proposed budget for FY 2004-2005 was sent to the printers this afternoon and will be delivered to the Board on Tuesday, March 9, 2004. The public hearing on the FY 04-05 Budget is still scheduled for April 1, 2004 and advised that an advertised tax rate will need to be set by March 23, 2004 in order to advertise the rate as required by law. He recommended the Board consider holding a work session to discuss the proposed budget. The Board of Supervisors scheduled a work session for Thursday, March 18, 2004 at 7:15 p.m. at the Government Center.

Supervisors Biggs expressed concern that the Audit for June 30, 2003 has not been completed. The Audit provides valuable information when reviewing the proposed budget. She requested information on the amount of reserves as of June 20, 2003, and the amount of reserves to date.

BOARD MEMBERS' REPORTS

Supervisor Biggs School Board - Supervisors Biggs distributed a copy of the School Board's March 2,

2004 agenda to Board members. She noted the resolution adopted by the School Board on the approval to turn over the Bethel Elementary School to the Industrial Development Authority for the purpose of selling the property. Also, a copy of the School Board's calendar for March 2004 is attached.

Tour of the Jefferson Center - Supervisors Biggs reported she, along with several Board members and staff, toured the Jefferson Center in Roanoke. The facility is beautiful and it took a lot of resources to renovate the old Jefferson High School. The purpose of the tour was to observe the renovations and see how a school facility can be renovated for community use.

Supervisor Marrs - Meat Cutting Business on 114 - Supervisors Marrs received a letter from Dallas Taylor, the owner of a meat cutting business on Route 114, concerning zoning issues. Mr. Taylor requested the Board's help in resolving this issue. The County Administrator was instructed to forward the letter to the Planning Department to review and make recommendations on how to proceed with Mr. Taylor's request.

Supervisor Perkins Tour of Jefferson Center Supervisor Perkins also commented on the tour of the Jefferson Center. It is a beautiful building.

Conservation Easements - Supervisor Perkins thanked the County Administrator and County Attorney for the information provided on financial funding to help farmers who wish to put their land into a conservation easement. She asked that the Board continue to pursue this issue. Supervisor Spradlin expressed concern with using tax payers money for low interest loans.

Workforce Investment Board (WIB) - Supervisors Perkins reported at the last WIB meeting, the Adult Work Program was discussed. She was amazed at the number of adults who did not have a high school diploma or a GED. The WIB is working to retrain adult workers, not just displaced workers who lost their jobs due to business closings. Dr. Barbara Bowling, appointed by Governor Warner as Director for WIB, is scheduled to attend the WIB's March 25, 2004 meeting. A new policy may be initiated where funds from WIB can be used toward incentive funds to attract businesses. This will be joint effort between the Economic Development and Workforce Investment Board.

Supervisor Spradlin Wake Forest Baptist Church Supervisor Spradlin met with members of the Wake Forest Baptist Church and discussed restoration of the church. The Church is a historic building and federal funds are being sought to restore the church.

Merrimac Collection and Recycling Center Supervisor Spradlin reported a continued water problem at the

Merrimac Collection Site. Apparently there is a wet weather spring in the upper end of the lot which creates a natural spring through the parking lot, creating problems for vehicles. He suggested the installation of a concrete catch basin would probably solve the problem. He requested staff look into this problem.

Corning - Noise Supervisor Spradlin talked to Larry Turpin again about the noise from Corning. Mr. Turpin reported that a neighbor is also starting to hear the noise.

Supervisor Muffo- Tom's Creek Basin Sewer Supervisor Muffo indicated he would like for the Board to take action on the proposed Tom's Creek Basin Sewer tonight, but due to the Utilities Committee's meeting scheduled for this week, he will ask that this item be placed on the Board's March 22, 2004 agenda.

Loop Trail Supervisor Muffo distributed information on the Six Mile Loop Trail to the County Administrator and requested copies be forwarded to the Board. The Community Design Assistance Center (CDAC) of Virginia Tech will be submitting a grant application to the Department of Forestry requesting \$7,000 to help with project costs. This grant requires a dollar for dollar match and both Montgomery County and the Town of Blacksburg has appropriated up to \$6,000 for this project.

Supervisor Creed - Guardrails - North Fork Road Supervisor Creed reported he and Supervisor Marrs went out to inspect North Fork Road in regard to the need for guardrails. They found there is a dire need for guardrails in several areas along North Fork Road. He asked that staff contact VDOT and request a cost estimate to install guardrails along this road, if there are any funds remaining in the Revenue sharing.

Bethel Elementary School Supervisor Creed noted he welcomed the news that the School Board is willing to sell the Bethel Elementary School. He asked about the status of the old Blacksburg Middle School. Supervisor Creed emphasized his concerns with the cost to maintain a vacant building. Supervisor Biggs reported that the School Board will be discussing the Blacksburg Middle School at their next meeting. Supervisor Spradlin suggested that it may be logical to keep this building in order to house the students from Prices Fork Elementary while the school is being renovated.

Supervisor Politis - Jefferson Center Tour Supervisor Politis attended the tour of the Jefferson Center in Roanoke.

Mayors and Chairs Meeting Supervisor Politis and the County Administrator attended the Mayors & Chairs Meeting held in Vinton on March 4, 2004. Supervisor Politis deemed this was a very beneficial meeting in developing communication with the surrounding localities. A presentation was given on NewVA.

This acronym stands for the following:

N - Natural beauty in the region

E - Education resources in the region

W - Wealth to be created in the region from attracting new economy to the area

VA - Virginia

The Fifth Planning District Regional Alliance approved the regional brand name NewVA. They proposed that the Planning District Commission of the New River Valley and the Roanoke Valley - Alleghany Regional Commission join forces, and by doing so, become an economic power house. Supervisor Politis suggested scheduling a presentation on NewVA in the near future.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

1. Expansion of Existing Business

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

Douglas W. Marrs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

John A. Muffo

James D. Politis

NAY

None

March 8, 2004

Page 19 of 22

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Douglas W. Marrs	
Steve L. Spradlin	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Douglas W. Marrs
Steve L. Spradlin
Annette S. Perkins
Gary D. Creed
John A. Muffo
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

OTHER BUSINESS

The Board discussed holding their Closed Meetings prior to beginning of the regular meeting at 7:15 p.m. Some of the Board members would have a conflict and would be unable to arrive before 7:15 p.m. The Board decided not to pursue this matter any further.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously, the Board adjourned to Thursday, March 18, 2004 at 7:15 p.m. for a Work Session on the proposed FY 2004-05 Budget.

The vote on the foregoing motion was as follows:

AYE

NAY

Mary W. Biggs None
Douglas W. Marrs
Steve L . Spradlin
Annette S. Perkins
Gary D. Creed
John A. Muffo
James D. Politis

The meeting adjourned at 10:55 p.m.

ATTEST:

James D. Politis
Chair

B. Clayton, Goodman, III
County Administrator